

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ATLANTIS CAR CARE, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-19-524-D
)	
PHOENIX INSURANCE COMPANY,)	
)	
Defendant.)	

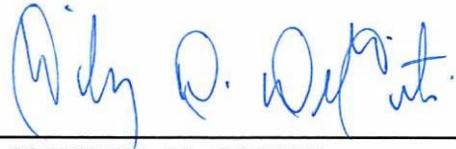
ORDER

Before the Court is Defendant Travelers Indemnity Company of America's Motion to Dismiss [Doc. No. 8], filed pursuant to Fed. R. Civ. P. 12(b)(6). On the same day, Plaintiff filed the First Amended Complaint [Doc. No. 10] as authorized by Fed. R. Civ. P. 15(a)(1). This amended pleading "supersedes the original and renders it of no legal effect." *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (internal quotation omitted); see *Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). The First Amended Complaint substituted Phoenix Insurance Company as the sole defendant and effectuated a dismissal of Travelers Indemnity Company of America pursuant to Fed. R. Civ. P. 41(a)(1)(A). Accordingly, the Motion is moot, and the Court finds that the caption of the case should be changed to reflect the substitution of parties.

IT IS THEREFORE ORDERED that Defendant Travelers Indemnity Company of America's Motion to Dismiss [Doc. No. 8] is DENIED as moot; this party has been dismissed by Plaintiff.

IT IS FURTHER ORDERED that the caption of the case as it appears in this Order shall be used in future filings.

IT IS SO ORDERED this 10th day of July, 2019.



TIMOTHY D. DeGIUSTI
Chief United States District Judge